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OFFICE OF PETITIONS

In re Application of :
Klee, et al. :
Application No. 10/617,503 : ON PETITION
Filed: July 11, 2003 :
Attorney Docket No. KON-76B :
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 6, 2008, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned January 18, 2007 for failure to timely submit a proper reply to the final Office action mailed October 17, 2006. The final Office action set a three month shortened statutory period of time for reply. No petition for extension of time was timely requested. Notice of Abandonment was mailed June 4, 2007.

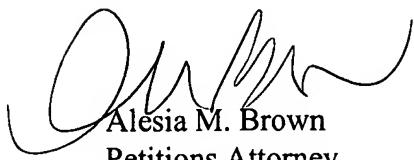
A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See*, MPEP 711.03(c)(II)(C) and (D).

The instant application has been carefully reviewed and found in compliant with the above set forth requirements.

The application is being revived solely for purposes of continuity with continuation application number 12/156,794. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of a continuation application under 37 CFR 1.53(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,050.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is being refunded to petitioners' deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions